



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

January 22, 2007

Mr. David Garrett  
RCRA Permits and Compliance Branch  
U.S. EPA, Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

RCAP-RECEIVED

JAN 23 2007

**Re: Asbestos Solid Waste Management Unit (SWMU) Closure Document  
Occidental Chemical Corporation, Wichita  
EPA ID# KSD 007482029**

Dear Mr. Garrett:

The Kansas Department of Health and Environment (KDHE) has reviewed the above referenced document, dated January 5, 2007 and submits the following comments for your consideration.

1. Proper closure procedures were not followed. Based on the cover letter, the impoundment was initially capped in 1977. KDHE was not able to locate any work plans or closure documents related to the 1977 closure. Occidental Chemical Corporation (OCC) did not notify KDHE or KDHE's South Central District Office prior to any work being performed or during the performance of any closure activities in November 2006. Based on a previous conversation with you, EPA was not notified as well. Furthermore, no prior soil characterization and management plan/work plan was submitted to EPA or KDHE for review and approval. As a result, neither EPA nor KDHE could provide any project oversight, and several significant concerns exist regarding the closure of the SWMU.
2. In reviewing the received documents, KDHE cannot determine what method was used to define construction limits and whether the location of the impoundment was accurately identified. It is unclear whether the area was determined based on someone's memory recall, the results of geotechnical investigation, or some other means. Therefore, KDHE is concerned that the asbestos contaminated soil may not have been sufficiently delineated and appropriately capped.
3. Kansas Administrative Regulations KSA 28-29-6 states that engineering reports or design plans required shall bear the seal and signature of a professional engineer licensed to practice in Kansas. The drawings provided with the cover letter are not true engineering drawings, and there are no signatures or seals on any of the submitted documents. Furthermore, the drawings do not contain legends, area dimensions, or survey coordinates needed to locate the construction area. Since this information has not been provided, KDHE cannot determine the

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exact location of the remediated area and cannot make a determination on the adequacy of the construction project.

4. In the absence of a detailed closure report and detailed cap cross-section diagrams, it is difficult to determine the actual thickness of concrete used, the exact composition of the cap (type of layers, thickness of layers, etc.), and the final elevation grade of the impoundment. Since the concrete design and thickness has not been specified, the cap may be susceptible to cracking due to seasonal variations and soil's response to seasonal changes. More importantly, it should be noted that the submitted drawings and cost estimates are dated April 2006. Therefore, these are not final construction specifications, and final design and composition of the concrete cap is unknown.
5. Neither the cover letter nor the construction estimates contain any provisions for site surveying. Therefore, it is assumed the area was not surveyed by a licensed Kansas surveyor in accordance with KSA 74-7001 and KSA 74-7034. The site must be surveyed in order to satisfy survey control requirements for solid waste disposal areas.
6. No maintenance provisions or future use scenarios for the SWMU have been presented. The concrete is likely to require maintenance within 15 years due to concrete's properties. OCC must specify what mechanisms are in place to ensure that future site personnel are aware of the hazard and will deal with it promptly and appropriately. OCC must also file a restrictive covenant in accordance with KSA 28-29-20, and institutional controls should be in place to ensure that the cap and the impoundment will not be disturbed by current or future activities on the facility.

If you have any questions regarding this letter, you may contact me at (785) 291-3760 or at [rcryslr@kdhe.state.ks.us](mailto:rcryslr@kdhe.state.ks.us).

Sincerely,



Ruby Crysler  
Environmental Scientist  
Corrective Action Unit  
Hazardous Waste Permits Section

Cc: William Bider- KDHE/BWM  
Scott Bangert- KDHE/BAR  
Michael Jones- SCDO/DEA/Waste Programs